

1 HONORABLE JAMES L. ROBART
 2 HEARING: DECEMBER 31, 2024
 3 WITHOUT ORAL ARGUMENT
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8 UNITED STATES DISTRICT COURT
 9 WESTERN DISTRICT OF WASHINGTON, AT SEATTLE

10 TATYANA LYSYY, married, VASILIY
 11 LYSYY, married who are each members of a
 marital community,

12 Plaintiffs,

13 v.

14 DEUTSCHE BANK NATIONAL TRUST
 15 COMPANY AND DEUTSCHE BANK
 16 NATIONAL TRUST COMPANY trustee,
 17 a foreign corporation, IMPAC SECURED
 18 ASSETS CORP 2005-62, MORTGAGE
 19 PASSTHROUGH CERTIFICATS
 20 SERIES 2007-1, a foreign corporation;
 21 QUALITY LOAN SERVICE OF
 22 WASHINGTON; PMC BANCORP, a
 23 foreign corporation and national
 24 association; BANK OF AMERICA, NA.
 25 Successor by Merger to BAC Home
 Loans Servicing, LP fka Countrywide
 Home Loans Servicing LP (“Bank of
 America”) a national association and
 foreign corporation;
 MERSCORP Holdings, Inc., a foreign
 corporation; MORTGAGE ELECTRONIC
 REGISTRATION SYSTEMS, INC., a
 foreign corporation; SELECT
 PORTFOLIO SERVICING, INC., a
 foreign corporation; SAFEGUARD
 PROPERTIES, LLC, a foreign

No. 2:24-cv-00062-JLR

DECLARATION OF MIDORI R. SAGARA
 IN SUPPORT OF DEFENDANTS' SECOND
 MOTION FOR SUMMARY JUDGMENT

26 DECLARATION OF MIDORI R. SAGARA IN SUPPORT OF
 DEFENDANTS' SECOND MOTION FOR SUMMARY JUDGMENT - 1

BUCHALTER
 1420 FIFTH AVENUE, SUITE 3100
 SEATTLE, WA 98101-1337
 TELEPHONE: 206.319.7052

1 corporation; RESIDENTIAL REAL
 2 ESTATE REVIEW, INC, a foreign
 3 corporation; MORTGAGE STANLEY
 4 PRIVATE BANK, NA, a foreign corporation,
 5 E*TRADE, a foreign corporation.

6 Does 1-20,

7 Defendants.

8 I, Midori R. Sagara, declare as follows:

9 1. I am an attorney for Defendants, Deutsche Bank National Trust Company, as
 10 trustee, on behalf of the holders of the Impac Secured Assets Corp. Mortgage Pass-Through
 11 Certificates Series 2007-1 (the “Trust”), Select Portfolio Servicing, Inc. (“SPS”), Safeguard
 12 Properties, LLC (“Safeguard”) and Residential RealEstate, Inc. (“RRR”) (collectively
 13 “Defendants” or the “moving Defendants”), in the above-captioned matter.

14 2. I am over the age of majority and competent to testify. I make this declaration based
 15 on my knowledge, on information where indicated, and on the files and records maintained by
 16 Buchalter in the ordinary course of business.

17 3. Attached as **Exhibit A** is a true and correct copy of relevant pages of the deposition
 18 of Tatyana Lysyy, taken on October 11, 2024.

19 4. Attached as **Exhibit B** is a true and correct copy of relevant pages of the deposition
 20 of Vasiliy Lysyy, taken on October 11, 2024.

21 5. To date, Plaintiffs have not answered any of Defendants’ interrogatories. To date,
 22 Plaintiffs have not produced any documentation to substantiate any personal property allegedly
 23 taken from the subject property by Defendants, or any documentation to substantiate that Plaintiffs
 24 wished to use the property after 2012/2013, could have rented out the property or could have sold
 25 the property.

26 6. To date, my office has not received the Court-ordered \$4,500 from Plaintiffs.

7. Attached as **Exhibit C** is a true and correct copy of Defendants’ motion to compel,
 filed on August 4, 2023 in King County Superior Court No. 22-2-11294-8 KNT.

8. Attached as **Exhibit D** is a true and correct copy Defendants' motion to compel, filed on December 6, 2023 in King County Superior Court No. 22-2-11294-8 KNT.

9. Attached as **Exhibit E** is a true and correct copy of the docket of Ms. Lysyy's Chapter 13 Bankruptcy, filed on October 11, 2019 in the Bankruptcy Court in the Western District of Washington, at Seattle, No. 19-13736-TWD.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

SIGNED this 26th day of November, 2024, at Seattle, Washington.

/s Midori R. Sagara
Midori R. Sagara, WSBA #39626

CERTIFICATE OF SERVICE

I hereby certify that on November 26, 2024, I caused to be served a copy of the foregoing on the following persons in the manner indicated below at the following address:

Plaintiffs – Pro Se

Vasiliy and Tatyana Lysyy
4109 68th Avenue East
Fife, WA 98424

- CM/ECF
 First Class Mail
 Legal Messenger
 Federal Express
 E-mail

Counsel for Quality Loan Service Corporation

Robert William McDonald
108 1st Ave S, Suite 202
Seattle, WA 98104

- CM/ECF
 Hand Delivery
 Legal Messenger
 E-mail

By: s/ Cynthia Daniel
Cynthia Daniel, Legal Assistant
cdaniel@buchalter.com